

CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-2611 DSF(JC)

ORDER (1) ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF
MAGISTRATE JUDGE; (2) DENYING
PETITIONER'S REQUESTS FOR
APPOINTMENT OF COUNSEL;
(3) GRANTING PETITIONER'S
REQUEST FOR STAY AND
DIRECTING PETITIONER TO FILE
PERIODIC STATUS REPORTS

MAGISTRATE JUDGE; (2) DENYING PETITIONER'S REQUESTS FOR APPOINTMENT OF COUNSEL; (3) GRANTING PETITIONER'S REQUEST FOR STAY AND DIRECTING PETITIONER TO FILE PERIODIC STATUS REPORTS

REQUEST FOR STAY AND DIRECTING PETITIONER TO FILE PERIODIC STATUS REPORTS

Recommendation, and hereby Orders:

without prejudice.

limited below.

3. The Petition and this action are stayed for petitioner to exhaust only Grounds Three through Five in the Petition, which are currently unexhausted.

4. Petitioner shall file a status report detailing the status of the state court proceedings to exhaust his unexhausted claims beginning thirty (30) days from the date of this Order and every sixty (60) days thereafter. If petitioner has no new information regarding the status of petitioner's efforts to exhaust his state remedies in a given period because a matter remains pending in state court, petitioner is nonetheless ordered to serve and file a status report advising this Court of that fact.


5. Within thirty (30) days of any state decision granting petitioner habeas relief or, if none, within thirty (30) days of the California Supreme Court's decision relative to a state habeas petition containing Grounds Three through Five, petitioner shall file in this Court, a notice of such decision and attaching as an exhibit thereto, a copy of such decision.

6. The failure to meet any of the time requirements set out above shall result in an order vacating the stay, *nunc pro tunc*, may preclude consideration of the unexhausted claims, and may result in the dismissal of this action for lack of prosecution.

7. Nothing in this Order precludes respondent from raising procedural or other objections/defenses to the Petition or any claims contained therein.

IT IS SO ORDERED.

DATED: November 15, 2018


HONORABLE DALE S. FISCHER
UNITED STATES DISTRICT JUDGE